

§ 205-39. Home Occupations (new bylaw) Final Draft for Posting

A. Purpose and Intent:

Conducting limited business activity from home has become more feasible and more widespread with modern technology and telecommunications. Residents of Westminster should have the ability to conduct reasonable business activities from home that are ancillary to the residential use and that will not be visible to the neighborhood or result in a negative impact.

The purpose of this bylaw is to set forth reasonable performance standards for home occupations that will ensure that such uses are compatible with surrounding permitted uses, do not adversely affect property values, and do not create any significant adverse impact on the quiet enjoyment of a residential neighborhood by others residing in the vicinity.

B. Home Occupations - Types:

(1) Contractors - Home-Based: The use of a portion of a dwelling or accessory building thereto by a resident builder, carpenter, painter, plumber, mason, electrician or other artisan or by a resident tree surgeon or landscape gardener for incidental work and storage in connection with their off-premises occupation, provided that there is no external change which alters the residential appearance of the buildings, and further provided there is no exterior storage of goods or materials.

(2) Home Office: The use of a portion of a dwelling or accessory building as an office for a resident physician, dentist, attorney-at-law, architect, engineer or member of other recognized profession similar to the aforementioned, provided that there is no external change which alters the residential appearance of the buildings, and further provided there is no exterior storage.

(3) Home Sales: The use of a portion of a dwelling or accessory building thereto by the residents of the dwelling for an office or for the sale of antiques or like merchandise, provided that there is no exterior storage, that all work or sale of goods is carried on inside a building and further provided there is no external change which alters the residential appearance of the buildings.

(4) Home Personal Services: The use of a portion of a dwelling or accessory building thereto by a resident service provider for personal services such as barbershops, beauty shops and like services provided there are no external changes which alter the residential appearance of the buildings.

C. Performance Standards:

All home occupations must register with the Building Commissioner who will verify that the occupation is in compliance with the following performance standards:

(1) The home occupation shall be conducted within a detached single-family dwelling or in an accessory building on the same property. If within the single-family dwelling, the total area devoted to the home occupation shall not exceed one third (33%) of the dwelling's gross floor areas.

(2) The home occupation must be operated by the resident occupant of the dwelling or a member of the resident's family, and may not employ more than three (3) full-time equivalent persons on site who are not residents therein.

(3) There shall be no evidence of the occupation through persistent or excessive sound, or through vibration, smell, or sight discernable at the boundaries of the premises.

(4) Not more than one (1) commercial vehicle shall be regularly parked outdoors on the premises. Such vehicles shall not weigh more than 15,000 pounds or have more than two (2) axles.

(5) Traffic and parking generated by the home occupation shall not be more disruptive to the neighborhood than traffic normally resulting from residential development considering volume, type, hours and other traffic characteristics.

(6) Hours of operation shall not begin earlier than 7:00 AM and must conclude by 5:00 PM.

(7) The portion of any structure utilized for the home occupation shall conform to all applicable fire, building, electrical, plumbing and health codes.